



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

CRITICISMS UPON HENRY GEORGE, REVIEWED FROM THE STAND-POINT OF JUSTICE.

MR. GEORGE'S proposition for a fundamental amendment of the laws has two aspects. He proposes, first, to abolish all existing taxation and to raise the revenue needed for the expenses of government by a single tax upon the value of the land held by each land-owner, the tax not to exceed at any time the fair rental value of the land exclusive of distinguishable betterments. He proposes, secondly, after the first step shall have been taken and a firm foothold secured, to use the machinery of taxation to exact the entire economic rent of land, and to apply the surplus, above what may be required for the necessary expenses of government, to the common welfare, in ways to be devised. He assumes that economic rent, in the present state of this and of every civilized country, would largely exceed the amount required for necessary governmental expenses. This assumption, however, is not essential to his scheme. If the amount realized by his tax would not support the government, of course there would have to be taxes on other things, but the amount to be so raised would be less by the amount of the land-value tax.

Before this project could be embodied in a law, many important details would require careful adjustment ; but it is now in a form that is sufficiently definite for a discussion of the principles upon which it is urged, and for the formation of an intelligent opinion thereon. So far, however, for the most part, critics have concerned themselves with the non-essentials of the proposed innovation ; they have missed the vital point in George's reasoning. And this is true, as I venture to think, not merely of the strictures which one hears in casual conversation or reads in newspaper editorials. It is true also of the deliberate treatment which the subject has received at the hands of competent publicists, such as the Duke of Argyll¹ and Mr. W. H. Mallock² in England, and Gen. Francis A. Walker³ and Professor W. T. Harris⁴ here.

In this paper I propose, briefly and in outline, so that, if there

¹ "The Prophet of San Francisco." *Nineteenth Century* for April, 1884.

² "Property and Progress." A reprint of several essays in the *Quarterly Review*.

³ "Land and its Rent."

⁴ "Henry George's Mistake about Land." *The Forum* for July, 1887 ; also, more fully in *Journal of Social Science*, No. XXII., p. 116, *et seq.*

be a fallacy or sophism, it may readily be detected, to set out the essential reasons for adopting George's plan, and to point out, with reference to the principal current criticisms upon his doctrines, wherein they fail to meet those reasons.

Why should land be singled out and its holder made to bear a burden from which the owners of other sorts of property are exempt?

This is the vital question. Unless the answers to it are seen clearly and in right perspective, any judgment that may be made upon their sufficiency is bound to be defective. George gives two answers. The first, which is founded on purely economic considerations, in effect is: because material progress, in a community where absolute private property in land is maintained by law, acts, by force of that fact, like a wedge thrust midway into a social structure, to raise a few, without effort or merit on their part, and to grind down the masses of men however meritorious they may be; and because property in land being qualified in the way proposed, poverty will be abolished for every man who is willing to work according to his ability. It is by focussing attention upon the argument from which this answer is drawn to the exclusion of another much simpler and very different answer that the able editors of influential journals confuse George with the German socialists, that Mallock¹ glibly dismisses George's plan as "monstrous," that Walker² declines with a sneer to consider George's extra-economic reasoning, and that the Duke of Argyll,³ himself appealing to the very principles upon which, unperceived by him, the second answer is based, describes his summary of George's writings as a "reduction to iniquity," and does not hesitate to say that "the world has never seen such a Preacher of Unrighteousness as Mr. Henry George."

The second answer, in substance, is: because land is not rightfully the subject of absolute property, and because the injustice of allowing it to be so acquired and held, will be remedied by the exaction and application to common uses of economic rent.

So many fantastic schemes have been put forward in the name of man's natural rights that there is, undeniably, some excuse for the incredulity with which propositions purporting to have that

¹ "Property and Progress," p. 7.

² "Land and its Rent," pp. 141-2.

³ See the pamphlet "Property in Land," containing a reprint of the Duke of Argyll's Essay and of Mr. George's reply.

basis are frequently met. But a little reflection will be apt to lead to a universal admission that the standard of right to which George appeals is valid. Little children in their play vaguely perceive and roughly act upon it in adjudging some of their fellows fair and others unfair. Our conduct in matters outside the domain of positive law, in a social club, for instance, is governed by it. In desperate emergencies, as at Cape Sabine, we unflinchingly exact the forfeiture of life itself from the man who will not conform to it. By its light, as by a beacon, our courts steer in construing constitutions and statutes, and in modifying the traditions of the common law to meet changed conditions. By that standard and no other the people of the United States of America are guided when the question is of breaking the ties of government, of establishing a new government, of making or amending constitutions, of framing statutes. I say, that in all such matters we are dominated by our natural conception of right; it is at least true that when the question is put point-blank, and must be answered categorically, we confess that we ought to be.

George's notion of natural rights differs in no way from the commonly accepted notion. He perceives the natural differences among men in mental, physical, and moral qualities, and he accepts such differences as facts without accusing God or nature of injustice in so ordering them. But when the question is of the relations of human beings among themselves, he says (and who does not agree with him?) that each, *as against all others, and so far as interference with him by them is concerned*, is entitled to himself, to his life, to his liberty, to the fruits of his exertions, to the pursuit of happiness, subject only to the equal correlative rights of every other human being. Nor is he peculiar in his general idea of the functions of government and the proper scope of positive law. In his view the primary function of government is the establishment of justice by securing to all the human beings within its jurisdiction their natural rights; and it is a perversion and abuse of government if it perform other functions otherwise than in subordination to that primary function, or if it make and enforce laws which abridge or deny those natural rights.¹

¹ It is important to emphasize the fact that George's ultimate principles as to the rights of men and the functions of government are the same as those now generally accepted, for, the fact being so, there is evidently common ground for argument, and a fair prospect that argument will be fruitful of valuable results. The current notions

The rulings of the Supreme Court of the United States on the subject of the public health suggest an analogy which will help to such an understanding of George's views on land as is required for their intelligent refutation no less than for intelligently accepting them. It is now the settled law¹ that the governmental power to make laws for the protection of the public health is inalienable, the reason as stated by the court being that such power "is so in-

are, I think, fully expressed in the following extract from Prof. W. G. Sumner's "What Social Classes Owe to Each Other," pp. 162-4: "Every honest citizen of a free state owes it to himself, to the community, and especially to those who are at once weak and wronged, to go to their assistance, and to help redress their wrongs. Whenever a law or social arrangement acts so as to injure any one, and that one the humblest, then there is a duty on those who are stronger, or who know better, to demand and fight for redress and correction. When generalized, this means that it is the duty of All-of-us (that is, the State) to establish justice for all, from the least to the greatest, and in all matters. This, however, is no new doctrine. It is only the old, true, and indisputable function of the State; and in working for a redress of wrongs and a correction of legislative abuses, we are only struggling to a fuller realization of it, — that is, working to improve civil government. We each owe it to the other to guarantee rights. . . . Rights should be equal because they pertain to chances, and all ought to have equal chances so far as chances are provided or limited by the action of society. This, however, will not produce equal results, but it is right just because it will produce unequal results — that is, results which shall be proportioned to the merits of individuals. We each owe it to the other to guarantee mutually the chance to earn, to possess, to learn, to marry, etc., etc., against any interference which would prevent the exercise of those rights by a person who wishes to prosecute and enjoy them in peace for the pursuit of happiness. If we generalize this, it means that All-of-us ought to guarantee rights to each of us. But our modern, free, constitutional states are constructed entirely on the notion of rights, and we regard them as performing their functions more and more perfectly according as they guarantee rights in consonance with the constantly corrected and expanded notions of rights from one generation to another." George's published writings show him to be in full accord with this formulation of principles by Professor Sumner. It is in the application of these principles to facts that he leaves the beaten track. For example, his argument for the abolition of the legal institution of absolute property in land may be thus stated: The institution should be abolished, because (on principle) "all ought to have equal chances so far as chances are provided or limited by the action of society," and because (as a fact) with that institution existing, it is impossible for all to have equal chances. Again, he advocates the assumption by government of businesses that are necessarily monopolistic, such as railroads and the telegraph, because, as a fact, that is the only way in which we can effectually guarantee each to the other equality of chances, the only way in which we can really "establish justice for all." Professor Sumner's way of expressing ultimate principles is somewhat unusual. For similar ideas stated in more familiar terms, see the dissenting opinions of Mr. Justice Field and Mr. Justice Bradley in the *Slaughter-House Cases*, 16 Wall. 36; the concurring opinions of the same judges in *Butchers' Union v. Crescent City Co.*, 111 U.S. 746; and the opinion of the court in *Yick Wo v. Hopkins*, 118 U.S. 356. See also the Declaration of Independence.

¹ *Butchers' Union Co. v. Crescent City Co.*, 111 U.S. 746; *Slaughter-House Cases*, 16 Wall. 36.

dispensable to the public welfare that it cannot be bargained away by contract ;" that, under the laws at any time provided for the protection of the public health, individuals may acquire property rights (*e. g.*, the exclusive right within a designated area to keep a place for slaughtering animals and preparing their meat for market) which are unassailable, and must be respected by other individuals ; and that property so acquired is held *subject to the right of the legislature to qualify or destroy it at will according to its judgment of what the public interest requires, and without regard to investments that may have been made or calculations based on the action of a prior legislature, even though such action took the form of a contract.* In contrasting land with public health, it will be necessary to disregard whatever constitutional recognition there may be that property in land is precisely like property in buildings or chattels, and also to use the term "legislature " broadly so as to include the people themselves when performing the supreme legislative function of making or amending constitutions, as well as the particular bodies to whom legislative power under our system is delegated. Doing that, the contents of George's thesis on land may be described as follows, in terms suggested by the judicial rulings on public health : (1) The due regulation by law of the use of the land within the government's jurisdiction is indispensable to the public welfare, for so only can the natural rights of all the people be secured. (2) Hence government cannot deprive itself or be deprived of the power to regulate the use of land at any time and in any manner that is adapted to secure to all the people their natural rights ; *i. e.*, such power cannot in any manner be suspended or abdicated or otherwise alienated. (3) Under the laws that at any time exist individuals may acquire property in land, which must be respected by their fellows, and such property, according to its nature, as determined by existing law, they may use or abuse, sell, donate, or devise, substantially as they please. (4) But no property in land can be acquired except subject to the limitation that it may at any time be qualified or destroyed at the will of the legislature, expressed in general laws applying to all the land within the jurisdiction. Observe as to these four propositions, that they contain no intimation as to the body to which, in the distribution of governmental powers, the regulation of the land is or should be committed ; that is a separate question not necessary to be considered now. Observe also, that whether these

propositions are correct or not is a question which may be argued and decided precisely like the question of the constitutionality of a statute, if we take as a statement of the supreme law, that the primary function of government is to secure to all its people their natural rights. Observe also, that if the supreme law is so, and if these propositions are correctly deduced therefrom, no man now has any property in land which cannot rightfully be qualified or destroyed without compensation by general laws designed to regulate the use of land, though if absolute property in land is recognized in our existing constitutions our judges and congressmen and the members of our state representative legislatures are bound thereby, and only the people themselves, in whom all sovereign powers ultimately merge, could declare that result.

How, then, are conclusions so momentous reached? The heads of the argument are as follows: (1) Land is, literally, indispensable to life. "How long," asks George, "could the strongest and most resourceful human being maintain life in interplanetary space?" The land is man's foothold, his resting-place, his opportunity; the only source whence the materials which his faculties require to work upon can be extracted; the only part of space where nourishment can be obtained. The right to life, therefore, involves a right to land, title to which vests at birth and by the fact of birth in every human being; and such right, as against all other human beings, like the right to life, has no limit except such as the equal correlative rights of others impose. (2) Land varies in fertility, salubrity, accessibility, and generally in desirableness. Laws, therefore, securing to some men as absolute property the best parcels of land within the government's jurisdiction are unjust inasmuch as the natural right of other men to the best parcels is as good as and equal to that of the favored ones, and such other men are not compensated for the difference in desirableness between the best lands and such lands as are open to them. (3) The land within the jurisdiction of the government is limited in amount, and is, therefore, capable of full appropriation by some to the exclusion of others; and when this happens, as is now practically the case in the State of New York, in Massachusetts, in England, in Ireland, the dilemma currently attributed to the Marquis of Salisbury is presented by the laws to some men and not to others; some must pay rent to others or they must emigrate. This dilemma is forced upon some and not upon

all, and, therefore, either alternative is a substantial infringement of natural rights. If emigration is accepted, the non-landholder must leave the place where he wishes to be, where his relatives and his friends live, where his ancestors dwelt, and go to and abide in a country he does not wish to live in; that is, his liberty (all others not being equally coerced) is in so far restricted. If, on the contrary, he prefers to yield to the demand for rent, he must surrender some portion of his property, and his natural right to what he has acquired by the exercise of the powers and faculties with which nature has endowed him (all others within the jurisdiction not being put by the laws in the same predicament) is in so far impaired. (4) The conclusion is, that absolute property in land as a legal institution is inconsistent with and destructive of the natural right to life, the natural right to liberty, the natural right to the fruits of one's exertions, and, as the natural right to the pursuit of happiness depends upon the enjoyment of these other rights, the institution is inconsistent with and destructive of that natural right also. And hence, also, it follows (unless it be not true that the main purpose of government is to secure to all its people their natural rights, and unless it be not true that the public welfare primarily depends upon those rights being secured) that the land is not the rightful subject of absolute property, but its use and occupancy must be regulated by law.

If we take a comprehensive view of the points just enumerated, it will be conceded probably that the only one that need be dwelt upon is the first. That the power to regulate the use of land must be regarded as an essential function of government if such regulation is the only way in which the natural rights of all can be secured, seems scarcely open to fair doubt. So as to the third point; the Marquis of Salisbury's dilemma is unjust only if the laws upholding private property in land as we now have it are unjust, and those laws are unjust only if there be a natural right to land which they deny. And the second point, in the very form of its statement, depends for its validity upon the existence of such a right. The second, third, and fourth points are evidently mere corollaries of the first. That granted, they follow; that denied, they also fall.

These, then, are the questions: Has every human being, as against others, a natural right to land? and if so, is there any limit to such right except that prescribed by the equal rights of

other human beings? These questions involve nothing recondite. Their difficulty, if they have any, lies in their simplicity. Pretty much all that one man can do for another towards solving them is to present them clearly and ask, "What do you think?"

In treating these questions, George argues little and *refines* not at all. In his various writings he presents his views in different forms, but always as though he considers what he says to be self-evident so soon as attention is fixed upon it. Natural rights, he thinks, spring from and are testified to by the natural facts of individual organization, — "the fact that each particular pair of hands obey a particular brain and are related to a particular stomach; the fact that each man is a definite, coherent, independent whole."¹ He declines argument with those who assert that all rights spring from the grant of the sovereign political power, and that none are natural, and he quotes the Declaration of Independence, the preamble to the Federal Constitution, and the French Declaration of Rights as true descriptions of natural rights and of the subordination of government thereto.² As to the right to land, he says (referring specifically to Ireland): "Since, then, all the Irish people have the same equal right to life, it follows that they must all have the same equal right to the land of Ireland. If they are all in Ireland by the same equal permission of nature, so that no one of them can justly set up a superior claim to life than any other one of them, so that all the rest of them could not justly say to any one of them, 'You have not the same right to live as we have; therefore we will pitch you out of Ireland into the sea,' then they must all have the same equal right to the elements which nature has provided for the sustaining of life, — to air, to water, and to land; for to deny the equal right to the elements necessary to the maintaining of life, is to deny the equal right to life. Any law that said, 'Certain babies have no right to the soil of Ireland; therefore they shall be thrown off the soil of Ireland,' would be precisely equivalent to a law that said, 'Certain babies have no right to live; therefore they shall be thrown into the sea.' And as no law or custom or agreement can justify the denial of the equal right to life, so no law or custom or agreement can justify the denial of the equal right to land. It therefore follows from the very fact of their existence that the right of each one of the people of

¹ "Progress and Poverty," Book VII., chap. i.

² "Social Problems," chap. x.

Ireland to an equal share in the land of Ireland is equal and inalienable ; that is to say, that the use and benefit of the land of Ireland belong rightfully to the whole people of Ireland ; to each one as much as to every other ; to no one more than to any other ; not to some individuals to the exclusion of other individuals ; not to one class to the exclusion of other classes ; not to landlords, not to tenants, not to cultivators, but to the whole people. This right is irrefutable and indefeasible. It pertains to and springs from the fact of existence, the right to live. No law, no covenant, no agreement can bar it. One generation cannot stipulate away the rights of another generation. If the whole people of Ireland were to unite in bargaining away their right in the land, how could they justly bargain away the right of the child who the next moment is born ? No one can bargain away what is not his ; no one can stipulate away the rights of another. And if the new-born infant has an equal right to life, then has it an equal right to land. Its warrant, which comes direct from nature, and which sets aside all human laws and title-deeds, is the fact that it is born.”¹

This simple deduction of a right to land belonging to every human being as against all other human beings becomes more forcible and convincing if placed in sharp contrast with the sources of the titles to land which the positive laws now uphold. “Consider for a moment [says George] the utter absurdity of the titles by which we permit to be gravely passed from John Doe to Richard Roe the right to exclusively possess the earth, giving absolute dominion as against all others. In California our land-titles go back to the Supreme Government of Mexico, who took from the Spanish King, who took from the Pope when he by a stroke of the pen divided lands yet to be discovered between the Spanish or Portuguese ; or, if you please, they rest upon conquest. In the Eastern States they go back to treaties with Indians and grants from English kings ; in Louisiana, to the Government of France ; in Florida, to the Government of Spain ; while in England they go back to the Norman conquerors. Everywhere not to a right which obliges, but to a force which compels. And when a title rests but on force, no complaint can be made when force annuls it. Whenever the people, having the power, choose to annul those titles, no objection can be made in the name of justice. There have existed men who had the power to hold or to give exclusive possession of

¹ “The Land Question,” chap. v.

portions of the earth's surface, but when and where did there exist the human being who had the right?"¹

Nor shall we find any ground for doubting the soundness of George's deduction if we place by the side of it the reasons which are offered in defence of the existing institution. Those reasons are summed up, very tersely, by Prof. W. G. Sumner, as follows:² "The reason for allowing private property in land is, that two men cannot eat the same loaf of bread. If A has taken a piece of land, and is at work getting his loaf out of it, B cannot use the same land at the same time for the same purpose. Priority of appropriation is the only title of right which can supersede the title of greater force." Force may be laid out of account altogether, for no one can base a title of right upon it alone without admitting that mere force, whether of ballots or of bullets, can to-day rightfully wipe out existing titles and confer others in their stead. Priority of occupation is a mere straw of barely sufficient weight to turn balanced scales; how little it counts against such considerations as George adduces will be seen if we suppose a man owning a farm to die intestate leaving a son, X, who, as heir-at-law, takes full possession of the farm; in a month or so a posthumous son, Y, is born; clearly X's prior occupation of the farm gives him no right to exclude Y from it. It is doubtless true, as Prof. Sumner says, that while one man is getting his loaf out of a piece of land another man cannot use the same land at the same time for the same purpose. The difficulty with this, as an explanation or justification of the legal institution of private property in land, is that it does not explain or justify. "Private property in land," as the phrase is used by Prof. Sumner, has a very different signification from what it has in the mouths of lawyers and judges. In his sense of the words there would be private property in land if George's plan were followed. But the existing legal institution means that one man and his heirs and assigns, without doing anything whatever, may perpetually exact a part of the loaves which other men by their labor get out of the land. It means the holding of land out of use in anticipation of increase of population and increased general need for land. It means that one man may own a thousand-fold more land than he can by possibility use, and may, if he please, exclude all others therefrom. It means the Irish

¹ "Progress and Poverty," Book VII., chap. i.

² "Social Classes," etc., p. 61.

landlord, Mr. William Scully, owning now 75,000 acres of the richest land in Illinois.¹ It means the Maxwell Land Grant² embracing in a single title 1,714,964 $\frac{9}{10}$ acres of land. It means the half of England owned by some five thousand persons. It means Ireland. It means the crowded tenement-houses and the vacant lots of Manhattan Island. This reason of Prof. Sumner for allowing private property in land, as we now have it, is like that of the people in Lamb's fable who burned down houses in order to roast their pig.

Whoever reflects upon this subject, however, will be likely to reserve his opinion till he has compared land as a subject of absolute property with other things. Here George and his opponents start from the same point. They, not less strenuously than he, insist that property in material things is sacred because founded upon a natural right which the positive laws may recognize, protect, and secure, but which they do not create, and cannot rightfully impair or take away. Generically, all natural rights may be grouped in one phrase, — the right as against all others of each man to himself, unlimited save by the equal correlative rights of others. A right to one's self, — the idea plainly connotes a right (as against and to the exclusion of others) to what one acquires by the exertion of his natural faculties, whether mental or physical; plainly also a right to enjoy what is so acquired in any way one pleases, to use it, to give it away, to will it away, to exchange it for something more desired (provided another can be found willing to join in the exchange), and to hold what is received on exchange by its original title; and also a right in donee, legatee, and vendee to hold what they receive; and this is what is signified by the word *property*, whatever material thing it is applied to. Now, land can be acquired by the exercise of one's natural faculties as really and effectually as can any other physical thing, *e.g.*, a marble statue; for possession can be taken of it, the trees on it can be felled, the roots dug up, the weeds destroyed, the moisture drained off, the stones removed, the soil made mellow by the plough and rich with manure, — acts essentially similar to the quarrying of the marble and the chiselling of it into form. In neither case is any *matter* created, that being beyond man's power to do. In both cases possession is taken and *form* is changed by brain-directed

¹ George, "Protection or Free Trade," p. 129.

² Maxwell Land Grant Case, 121 U.S. 325.

labor, and nothing else is done or happens. Between the two series of acts there is no difference whatever, save in the quantity of matter appropriated ; and that difference, enormous though it be, may not in fact be relatively greater than exists, as to quantity of matter appropriated, between the same statue and an animalcule which a microscopist has caught and caged, and stored in his cabinet. George's opponents, seeing this, assert that there is no valid basis for distinguishing between the animalcule, the statue, and the land as subjects of property ; the counter argument (they say) must necessarily be unsound, or it opens wide the door to communism. But do they not overlook something ?

One consideration, at least, is lost sight of, which is, that the deduction of a right to land from the right to life is quite as simple and quite as obvious as the deduction from the right to one's self of a right to hold and enjoy what one can by the exercise of his faculties. If there really be a conflict between the latter right and the former, the latter should certainly yield far enough at least to allow the maintenance of life. It may be said with truth, however, that this consideration of itself makes no greater concession than that necessary ; and we must look farther.

If we add a human being to the list of typical things which we have taken for illustration, we shall be certain that some essential consideration is ignored by those who argue that because by the exertion of mind and muscle the land, the animalcule, and the marble statue can be, and are in fact, reduced to possession, therefore no distinction is to be made between them, and all are to be deemed rightful subjects of property ; for men can make slaves of their fellow-men, and they have done so frequently, with the exertion of considerable mental and much physical force. Yet it is certain that human beings are not rightfully the subjects of property.

The thing forgotten is this : the natural rights are not absolute, but as to every man are limited by the corresponding rights of other men. This is the only qualification, and it is not easy always to keep it in sight ; but it is unquestionably a real and a most important one. By virtue of it a man alone upon a prairie may rightfully do pretty much everything that it is within his natural powers to do, while the same man in a crowded church or theatre is practically restricted to keeping his eyes and ears open. With this qualification before the mind, the reason is plain for distin-

guishing human beings from other things as subjects of property, for one cannot be the slave of another unless his rights are subordinated to those of that other; but in fact his rights and those of the other are equal. There is a distinction between land and other material things which is based upon the same qualification. Consider the natural right which gives sanctity to property in material things, viz., the right to acquire things by the exertion of one's mental or physical powers. *The exertion of one's natural powers* is evidently the central idea, and if we bring together that idea and the qualification upon all natural rights, we shall see that a material thing is not rightfully the subject of absolute property if the appropriation of it by the exertion of one man's natural powers interferes with the equal right of other men to exert their natural powers.

The appropriation of land does so interfere. To test the principle, it will be proper to take for illustration a community like New York or Massachusetts, whose laws maintain private property in land, and in which all the land has been fenced in, or substantially so; for such communities are numerous, and, as population increases, will become more numerous. In such a community, obviously, a landless man cannot do anything *individually*. He cannot obtain for himself food, or clothing, or shelter, or fire; he is dependent upon other men for such alms or for such employment as they are willing to give him; he cannot by any exercise of his faculties legally compel other men to give him either alms or employment. Unaided by other men he is pretty much as powerless to exert the faculties which nature has given him as though he were in the space between the stars. The reason why he is thus worse off than his fellows, the sole reason, is the fact that he is, and they are not, shut out from the land which nature gave to men to exert their faculties upon. He can, to be sure, exert his faculties to take himself beyond the pale which the laws have drawn around the land; but the pressure upon him to do that (being caused by other men having been allowed to appropriate and hold all the land of that community) is in itself a great interference with his equal right to exert his natural faculties.

The appropriation of things other than land, such as brute animals, grain, timber, minerals, and generally the raw materials, of which all the commodities which men need or desire are made, does not so interfere; for there is no limit, or no known limit,

to the supply of things of this class which men by labor can acquire, if the land, which is the source of supply, be not monopolized. By concentrated effort particular species of the class may be temporarily exhausted, but only temporarily, and not all species at the same time. Moreover, it is beyond human power to separate permanently from the general stock the *matter* of which things of this class are composed. Consider, the water which you dip from a spring is not lost or destroyed: sooner or later it evaporates, or, if you drink it, it leaves your body in forms which you are constituted by nature to loathe and reject, and you would not keep it if you could. So it is generally. No form in which nature presents matter, no form which men by their labor give to matter, is stable; even iron rusts and gold abrades; and when the form changes the matter escapes. Light, heat, winds, rain, frost, moths, worms, and other forces are pulling down as fast as the same and other natural forces, including those of man, are building up. Human powers can dam or turn the stream of change long enough to satisfy human wants, and not much longer. In short, though one man or many take what they can of things of this class, and keep what they take as long as they can, the equal right of other men to exert their faculties in the same manner is not thereby appreciably, if at all, interfered with.

The fact that the supply of material things which are adapted to the satisfaction of human wants is practically unlimited, is the sole justification for permitting them to be acquired and held without restriction. If the supply were limited, there would have to be restriction. Do we not all concede this in unusual cases when locally or temporarily the supply is short, as in a shipwreck or polar expedition? On the other hand, the fact that the land, being the source of all things that minister to human wants, is strictly limited in quantity, and varies greatly in desirableness, is itself a sufficient reason for asserting that it cannot rightfully be appropriated absolutely and in perpetuity.

It may be said (and it is surprising to find so acute a man as Mr. Mallock¹ perplexed by the thought) that nature knows nothing of "countries," "states," "communities," and "governments;" that the phrases "right to life" and "right to land" express relations which each man bears to the whole human race, and not to the people of a particular country or under a particular

¹ "Poverty and Progress," pp. 111-126.

government; and that every man may be admitted to have a right to live somewhere and to some land without admitting that he has a right to live here or to the land of this country. No one who really saw and believed in the rights to life and land, and felt their immense significance, could say such a thing as that. Let us see: Take another natural right, which is deeply and truly believed in, and whose value and weight are perceived, — liberty, for instance. That right, too, is a relation which each man bears to all the rest of the race; that, too, in logical, if not in chronological order, precedes governments and states; but who ventures to risk his reputation for intelligence and sound judgment by denying that one is justified in complaining, nay, ultimately in rebelling, if the laws of the State of which he is a citizen deny him his natural right to liberty or fail to secure it to him as fully as circumstances at any time permit, and as fully at all times as they secure it to any other citizen of that State? If there be natural rights to life and land (and whether there are or not depends upon other considerations than the one now noticed) they must be dealt with by governments and states as the natural right to liberty is dealt with — must they not? There are no laws of the world which uphold private ownership of land any more than there are universal laws which maintain slavery or peonage. The institution in either case exists by force of the laws of the particular State within whose jurisdiction the land or the men affected by it are. Are the people of such a State any the less entitled, among themselves, one as against another, to be made secure in their natural rights by its laws, because there is no federation of nations, no sovereign government over the world, nor other practicable way of securing natural rights universally?

What precedes is all that can be given here of the argument offered to show that unrestricted private ownership of land as a legal institution involves a wrong which a government established to secure the natural rights of its people is bound to remedy. Observe that no reference, even by implication, has been made to the *value* of land. It is of much importance to exclude the idea of value from that part of the case, or to refer to it merely as a test for determining whether the possibility of injustice which absolute property in land necessarily involves has become actual injustice in any given community at any given time. For, unless one is cautious, it will shunt the mind to a wrong track. The argument for

the land-value tax is very apt to assume the form, and, if one may judge from current criticism, is quite generally understood to have the form, that because the value of land increases without effort on the part of the landholder as the community grows, therefore the community has earned such value, and may justly take it for common purposes. In that form the argument is fallacious beyond question. The value of land is its relation as to exchange to the other things which men desire. How can such a relation give rise to an obligation to pay money? Chattels fluctuate in value as well as the land, and for similar causes, increase being without merit as decrease is without fault on the part of their owner; and for this one need look no farther than to the daily quotations of corporate stocks, though other illustrations without number might be given. The truth is that a claim upon the value of land can be substantiated only by first successfully impeaching the title of its occupant. Grant that the land is his property, and necessarily he is entitled to it at any particular time, that is, he has a right to exchange it at that time for other things, if he will and if he can, and it is nobody's business whether he receives for it upon exchange many other things or few, much money or little; if he actually make an exchange, no other person, not even the State, as representative of all the rest of the community, can thereby acquire a right to take toll out of what he receives; still less can a right to exact money arise, because he might have made an exchange if he had wished to. But if the land is not his, if others have as good a right to it as he has, and he is suffered to have the exclusive occupancy and use of it, then he ought in justice to make compensation to such others, and the question is, how much?

Land has no value when and where equally desirable land can be had by every man who wants it. But land varies greatly in fertility, accessibility, and, generally, in desirableness. Hence, if many want it they will pay money to get the better quality rather than put up with the poorer quality. They can afford to do so up to a sum which, subtracted from what they can make from the better land, leaves a remainder equal to the gross return they would receive for the same expenditure if they took the poorer land without paying anything. The sum that can thus be paid measures the value of the better land. When all accessible land is taken up, and, through increase of population or otherwise, more is wanted, then all land

has a value which will go on increasing as population and the demand due thereto increases; and to such increase there appears to be no limit save that those who want land must retain enough of what they have or earn barely to keep soul and body together. Hence, it follows that the value of land in any community at any given time measures both the natural differences in the quality or desirableness of land and also the need of the people of the community generally for land. If now we annually exact from each occupant of land a sum equal to what such land alone, irrespective of its improvements, would rent for, and if we divide annually the fund thus raised equally among all the people of the State, or apply it to the use of all, is it not evident that all the people will stand on equal terms, or substantially so, with reference to the land? And if that is a result which justice requires us to bring about if possible, why are we not bound to make the exaction?

The fact that land has a value which is unearned by the occupant is no ground at all for exacting such value from him if the land is really his. But if it is not his, the fact that its value measures natural differences and the general need of the people for land enables us to do with great simplicity and with reasonable approximation to accuracy what otherwise (so far as now appears) there would be no practicable way of doing at all.

Such, in outline, is the argument based upon the principles of justice as distinguished from the principles of political economy, for the radical change of the positive laws which George advocates. It is next in order to test the strength of this argument by a general consideration of the objections that so far have been made to the proposed change.

Many objections are nothing more than evil consequences, which are anticipated if the change be made. In strictness, such considerations are irrelevant. Without attempting in any degree to lift the veil of the future, we can determine whether, according to admitted principles, George's proposition is just or not; if it is just, that itself is a sufficient reason for adopting it; and we may confidently leave the future to take care of itself. Still, before dismissing the consequences of the innovation in this way, it is natural that we should try to find out as well as we can what they are likely to be, and it is material to do so for the purpose of ascertaining whether we can discern from that point of view

any flaw in the deductive reasoning which otherwise would escape observation.

Whatever else may happen, one beneficial result seems certain. Much land which is now held for the probable future rise in value, but is unused and unimproved or nearly so, will be laid open to all who wish to use land. What the speculative element in the present market value of land (*i.e.*, the element due to the probability of increased demand in the future) amounts to, there are no data for precisely determining. But the fact that nearly the whole of our vast country has been already appropriated, and is now in the hands of private owners, so that a landless man may go from the Atlantic Ocean to far beyond the Mississippi River, and from the Pacific to the great mountains, without finding a place where he can legally dig a hole in the ground for shelter or build a fire of sticks for warmth; the further fact that by very much the larger part of the immense area so appropriated (relatively to its capacity and judged by the standard of cultivation which exists in other parts of the world) is unused or but slightly used; and the further facts that come within our individual observation and experience, — justify the inference that the speculative element in the present value of land must be very great. Whatever that element really amounts to, the proposed tax, if adopted, will wipe it out completely. Land will have no value save what is due to difference in natural qualities and general desirableness. No man will hold more land than then has value than is actually required for his purposes, and the pressure upon him will be towards improving what he holds to the utmost. No man will hold land which he cannot or does not wish to use; for if it is better than other land in use he must pay a tax measuring the difference in quality, for which he will receive no return; and if it is no better than the poorest other land in use there would be no motive for holding it, but rather a motive against holding by reason of the liability at all times that somebody wishing to use land may select that particular land, which would show that it had then become valuable, and be followed by the tax-gatherer's claim. In brief, a very great body of land would become substantially free, and all the people of this country would stand, so far as abundance of natural opportunities is concerned, where their predecessors stood sixty or eighty years ago. Now, let any one put that result clearly before his mind and (waiving for the moment the justice or injustice of the means by which it is

to be brought about) say whether or not it is a state of things very greatly to be desired. Can any other than an affirmative answer be given? Furthermore, the annihilation of the speculative element of value is likely to have a particular beneficial effect in and near large cities, where now the density of population presents a great and terrible and threatening problem before which hitherto all the wisest and most humane of men have stood gasping and helpless. The importance of that problem may be judged of by those who will take the trouble to read the Rev. James O. S. Huntington's recent paper on *Tenement-House Morality*.¹ With a great population eager for better quarters (a population now so crowded in parts of New York City that on the average families of five persons occupy but three rooms, and 290,000 people find "homes" upon a single square mile of land) capitalists could make few better investments than by putting up comfortable houses for rent on vacant city and suburban lots, if from the value of such lots the speculative element were excluded. Houses would compete for men instead of men cutting each other's throats, as now, in the competition for houses.

Another result of the change that seems certain is that the burden of taxation upon productive industry would be materially lightened. Here also it is impossible to measure the amount of relief which would be given, for no statistics have been compiled with that object in view. The estimates of Professor Harris,² based on the census, have in them a good deal of guess-work, but they will answer for present purposes. Taking his figures,³ the taxes now annually exacted for the support of the government are more than ten per cent. of the wealth annually produced. Such taxes fall very lightly upon land values, being drawn chiefly from commodities and from houses and other real-estate improvements. Being so large they must seriously impede the production of houses, commodities, etc. If such taxes could be completely abolished, is it not probable that the building of houses, the making of commodities, and industry generally would be greatly stimulated? According to Professor Harris' estimates a land-value tax at four

¹ *The Forum*, for July, 1887.

² "Henry George's Mistake about Land." *The Forum*, for July, 1887.

³ They are:—

| | |
|---|------------------|
| Wealth annually produced | 7,300 millions. |
| Annual taxes (National, State, County, Township, and District), | 800 millions. |
| Aggregate of Land Values (improvements excluded) . . . | 10,000 millions. |

per cent. would yield not more than fifty per cent. of what is now raised. One-half of the present taxes taken from productive industry and put upon land values, where the tax could not in any manner affect production, would doubtless have an important stimulative effect. Professor Harris, however, in his estimates makes no deduction for the annihilation by the enactment of the new tax laws of the speculative element in land values; so that the amount that (according to his figures) could be taken off from the present objects of taxation would be much less than fifty per cent. Suppose it were but twenty per cent., would there not still be a substantial beneficial effect upon industry?

The advocates of George's plan believe that many other advantages would follow, the chief of which is the abolition of poverty for all who will work.¹ It is enough to mention these only in this place.

What, now, is offered upon the other side? The disturbance and readjustment of investments would be proper to be considered in determining upon the most judicious method of bringing the change about; but, being temporary merely, they may be disregarded for all other purposes. So, also, we may pass over the effect of the destruction of the speculative element in land values; such destruction cannot affect the land itself, which will remain as useful in all respects as now.

It is claimed that George's plan involves a great extension of the ordinary functions of government, which would be evil. This claim seems to rest on the floating general notions and theories which are summed up in the words *laissez faire*. It is not necessary now to discuss the soundness or the limits of the principle of *laissez faire*, or how far it can properly be invoked when the ques-

¹ In a series of articles on "Land, Labor, and Taxation," by Prof. R. T. Ely, of Johns Hopkins University, published in *The Independent* (Dec., 1887), George's plan was criticised as inadequate to accomplish all that is claimed for it. To this criticism George replied in his weekly journal, *The Standard* (Dec. 31, 1887), and pointed out, more clearly than he has elsewhere done, his reasons for supposing that the startling result stated in the text would follow. While Professor Ely denies that George's reasons for this conclusion are sufficient, it is easy to infer that, in his opinion, many very beneficial results would reasonably be anticipated; but, like most professional economists, he balks at the question of justice. The discoveries of the economists as to the nature of rent lie at the base of George's plan. With this acknowledgment I beg to be permitted to suggest that the economists would do well to drop the question of justice, stick to their proper functions, and tell us frankly and distinctly, with reasons, what the economic effects of George's plan, if adopted, would be. I conceive that *as economists* they have nothing to do with the question of justice. That question belongs to jurisprudence.

tion is of paying to a man or expending for his benefit money, *which is his of right*; that is, when the question is of "establishing justice," for George's plan does not necessarily involve any immediate extension of the present functions of government. If there can be any reliance whatever on the census and Professor Harris' calculations, the aggregate of present land values, deducting nothing for the destruction of the speculative element, would not yield a tax equal to one-half the necessary expenses of government; and making that deduction the proceeds of the tax would very likely not equal one-quarter of those expenses. Population must greatly increase, therefore, and many years pass before any question of what to do with a surplus can arise. Till then the advantage to the people of the new tax would lie partly in the weight of other taxes being lessened, but chiefly in the opening up of natural opportunities. On the other hand, supposing the census and Professor Harris to be in error, if a surplus over the necessary expenses of government were at once to arise, it is arguable that the government would better throw it into the sea or make an annual bonfire of it than leave it to be a bounty, as it is now, upon the locking up of land. It would be open to the advocates of *laissez faire* to take that view, if they choose, and still to accept a substantial part of George's plan.

It is said that the plan logically leads to socialism, and that if it be adopted socialism will be the inevitable result. Those who say this, like the socialists themselves, make no distinction between land on one hand and the fixed capital, tools, and instruments of production on the other, which the socialists would have the state take to itself. But if there be a valid distinction between land and these other things as subjects of property, the dread of socialism is groundless; and that there is such a distinction George tries to show. Hence this objection is out of place so long as the reasons for the distinction are not met and overthrown. We have always been socialistic to some extent, and apparently always must be so, more or less. We have the Erie Canal, the Mississippi River improvement, public education, the protective tariff, and the post-office, all of which are socialistic; and yet we have not socialism. And we never shall have socialism so long as we hold fast to the principle that it is the natural right of every man to hold and enjoy whatever he can acquire without infringing upon the corresponding right of other men.

It is anticipated by some of George's critics, who, however, can have taken little pains to understand his plan, that it necessitates the sacrifice of the many great advantages which undoubtedly go with the system of private land-ownership. That system as we have it took definite form about two centuries ago, when the last strong chain of feudalism was broken. Its establishment then marked a distinct advance in the development of the principle of personal liberty. Since that time it has been associated with many political and material improvements upon which all people of Anglo-Saxon lineage greatly pride themselves. Under it individuality and personal independence have been fostered. The security of possession, which is an element of it, exerts a powerful influence towards the making of lasting improvements and towards thorough cultivation of the soil. Other advantages of the system might be specified and admitted. But under George's plan houses and other improvements will be as secure as now. Individuality and personal independence will be promoted even more than now, for the land will be open to every man as a resource when all other resources fail. The plan threatens nothing that is good in the present system. Enumerate the present system's advantages, label them, tell them over one by one, and then point out any one that will not also exist if George's plan goes into effect. The matter may be tested thus: At present the tax on real estate falls in some small measure, say $\frac{1}{4}$ per cent., on the land value, and yet we have all the advantages of private ownership of land; now suppose the tax to be taken off the houses and other improvements, and that, instead of the $\frac{1}{4}$ per cent. which now falls on land values, an amount equal to 4 per cent. be levied; can any reason be given why we should not continue to have all that is advantageous in the present system?

Finally, it is said that the proposed tax would "ruin the farmers." The farmers for the most part are the descendants of the men who cleared this country of its forests, dug up the roots, piled the stones in strong walls, made the roads, and occasionally gave some attention to the savages while they were doing these other things. Is it the children of such men who are to be ruined? How are they to be ruined? Is it by having the land again free and open before them almost as their fathers had it? Surely they who say *ruin* do not measure their words; they must mean that the farmers will be "sort of" ruined. Let us consider

what truth there is in the prophecy so modified. The destruction of the speculative element in the value of land cannot hurt the farmers as a class. The farmers do not hold their land, as they do their corn and potatoes, for sale. They hold it to use; and it will be every whit as useful when the speculative element of its present value is wiped out. Only such farmers as desire to sell their farms run any risk, and even then only if their purpose is to invest the proceeds otherwise than in land; for if they wish to buy another farm they will find its price has fallen proportionally. How many farmers are likely to wish to sell their farms and invest the proceeds otherwise than in land? Are there more than one in a thousand? As to the burden upon the farmers of the tax on normal land values (*i.e.*, the value due solely to differences in fertility, situation, and generally in desirableness) it should be remembered that by reason of cheap transportation, distance from market, so far at least as the great farming staples are concerned, is now in this country a very small factor in the value of land. It is said that the produce of Iowa farmers competes on favorable terms in the Eastern markets with the produce of Eastern farms grown three miles or more from a railroad station. So that the normal value of agricultural land will depend almost entirely upon differences in fertility and differences in situation so far as situation affects the production of garden products, and so far as one situation may be more desirable than another for residence. Now, these differences are not very large so far as the land which the needs of the present population require to be cultivated is concerned. Hence for a long time, till population shall have greatly increased and recourse shall so be made necessary to much poorer lands than are now in use, the normal value of agricultural lands would be small and the tax would be small. Moreover, whatever the tax may amount to, there will be an offset against it in that present taxes upon houses and other improvements and upon clothing, tools, and other commodities which farmers do not produce, but have to buy, will be abolished or considerably reduced.

So much for the consequences. What will happen no man can foresee with certainty, but, so far as probability goes, there appears to be no reason why we should flinch from pronouncing the judgment upon the justice of George's plan which the argument would lead us to if consequences were left out of account altogether. We will now turn to objections of another sort.

Of all objections the one supported by the greatest weight of authority, and most confidently relied on, is that the change cannot justly be made without compensating present landholders. This objection, because it is free from timorous forebodings and appeals bravely to justice, deserves respectful and anxious consideration ; yet it is difficult to express it in full without at the same time suggesting the obvious answer to it. If the landholder be supposed to say, "The land is my property, just as my coat or my house is my property ; manifestly you cannot take it or damage it without being bound to compensate me," the obvious answer is, "Of course ; but why talk of compensation ? If the land is your property in the same unqualified sense that your coat or your house is, that fact alone makes an end of George." If it be said, "Admitting all that George claims ; admitting that I have no better right to this land than all the rest of the people, yet I have always honestly thought that the land belonged to me exclusively ; and upon the *bona fide* belief that that was so I have laid out much money and have labored the best part of my lifetime," the obvious answer is, "You admit that the land is not yours. Why should others be kept out of their rights because of what you *supposed* ? If another man had your horse and you demanded it, what would you think of him if he made such a claim as you do now ? How long would his protestations of honesty and good faith, even though you fully believed them, keep you from having the law of him, if he did not give up the horse or pay you its value ?" If it be said, "Both the nation and the state by their agents have encouraged the people to buy land, and they have in that way derived great benefits ; the nation by the federal constitution and the state by its constitution and statutes said to me that land could be acquired as absolute property ; I believed those representations ; I had no reason to suppose they were not true ; I bought this land relying upon them ; the nation and the state cannot now in common decency, to say nothing of justice, treat this land otherwise than as my absolute property ; their mouth is shut by their own words," the obvious answer is, "Assuming that you are right as to those representations being made, the same reasoning which shows that every man has a natural right to land, limited only by the equal right of other men, and that such right can be secured only by the government retaining the power to regulate the use of land so as to give all the people equal natural opportunities and keep them equal —

the same argument which shows this shows also that the men who made the constitutions and statutes which you refer to could not rightfully otherwise declare, and that they could not in any manner effectually suspend or alienate that power of regulation ; hence the men who, as you say, assumed in the name of the government to declare differently, exceeded their authority (as did that Louisiana legislature which attempted by contract to shave down the State's sovereign power to make laws for the protection of the public health ¹), and you cannot have acquired any rights even as against the government by relying on their representations." If it be said, "George was not born when I bought this land, and nobody had thought of that reasoning then or knew the natural law was so ; it is not fair that I should be made the victim of a discovery as to what the law is, made after I paid my well-earned money for the land," the answer is almost too obvious to be written : "If the law is not declared in your case, nobody will believe the law is so ; other men will buy land and base their calculations on it as you have done ; and when the question comes up again they will say not only all that you say now, but they will point to the decision in your case, and maybe those who have to pass judgment then will feel bound by that decision, and so the error will become fixed past remedy except by bloody revolution ; it often happens, when the law is found out to be different from what before it was understood to be, that somebody who had relied on the wrong understanding, suffers ; the reports of the decisions of the courts contain many such cases ; the judges are tormented by the hardship to the individual before them, but they must lay down the law as they see it to be, for their decision will affect the whole community for a long time ; when a new mechanical invention, such as the steam-engine, is introduced, much capital that had been theretofore invested shrinks greatly in value, and skilled artisans in the trades displaced by such invention can no longer find employment save as ordinary laborers ; yet nobody is so foolish as to say that the invention ought not to be introduced unless the capitalists and artisans who will suffer by it are first compensated ; what reason is there for any different rule when a discovery is made as to what the law is ? Remember, there are others than the landholders to be considered, — those other men who now have no land, but who, you admit, have as good a title as you have ; how is justice to be

¹ Slaughter-House Cases, *supra*.

done to them if their rights are to be denied because you are not compensated?" Whatever way one turns the objection, the only real question appears to be whether the natural right of all men to the land and the inalienability of the governmental power to regulate its use are proved. If they are proved, such regulation as may be required to equalize natural opportunities cannot justly be prevented by failure to provide compensation for the present landholders.

To make sure, let us imagine two concrete cases which shall present the landholder's claim in as strong a light as possible. (1) Suppose a blacksmith to have saved from his hard toil \$1,000, with which he has purchased a small house and lot of land, the house worth \$500 and the land now worth \$500. Plainly this house and lot stand to him precisely as did the \$1,000 in the savings bank. They represent his labor, his thrift, his pluck, his temperance. Suppose now, George's plan goes into effect, and then the blacksmith dies leaving orphan children with no other means of support than the proceeds of that house and lot, which will now realize but \$600, the new system of taxation having wiped out \$400 of the value of the land. Is this just? (2) Suppose a farmer to be in possession of outlying land which he has had no occasion to use and which was purchased by his grandfather from the government, all that the government asked having been paid for it. For nearly a hundred years the government has held the purchase-money, has had the use of it, has had the chance to invest it at compound interest, so that now as against the government it may be deemed to have increased many fold. Meantime, by the growth of population, the land has become very valuable, so that were the farmer to sell it he would receive many times as much as his grandfather gave for it. Is it just that the government should now virtually take away that land without returning at least what it received therefor with fair interest? Consider the facts of these two cases well and see whether the question of justice which they raise does not depend upon remoter considerations. Suppose a wealthy capitalist were to bring an action of ejectment against the blacksmith's orphans, claiming that he had a better title. Would not the only question be whether he did have a better title? Can the decision of that question be affected in any manner by the hard case of the orphans or by the sterling virtues of their father? Everybody knows that such considerations must be rigor-

ously pushed aside, and that, though the orphans appeal most powerfully to the capitalist from the side of charity and mercy, they must be cast in the suit unless his claim of better title fails; he must have his right, if he insists; yea, if he demands it, the peremptory writ shall issue, though the orphans go upon the street to beg in cold and hunger. So in the farmer's case, is it not the only question whether the title which the government patented to the grandfather was qualified or not? If that title is and always has been subject to the qualification that the government might at any time regulate the use of all the land within its jurisdiction so as to equalize the natural opportunities of all its people, destroying utterly this very title if necessary to accomplish that end, then the government itself as proprietor held the land before conveyance subject thereto; it conveyed no higher title than rightfully it could convey, no greater interest than itself possessed; and its grantees have had and enjoyed exactly what was paid for (*viz.*, such title as the government had to convey), and of course cannot justly claim to have what was paid returned either with or without interest. So here too the controversy shifts back to the one controlling question.

So far as the demands of justice are concerned, the objection that George's plan is barred by the claim of existing landholders to compensation is of precisely the same character, and of as little weight, as would be a suggestion to the Supreme Court of the United States that a statute ought not to be declared unconstitutional or the decision of a lower court overruled because such statute or decision had stood many years, and the community had supposed it to be valid, parting with their money and making their calculations in that belief. We say now that the man who puts his faith in a municipal ordinance assumes the risk that the ordinance may be found to conflict with the statutes of the State. We say now that he who relies upon a statute does so at the peril that the statute may be held unconstitutional. Why do not the reasons which lead to these conclusions also compel us to say that he who lays out his money and his labor in reliance upon our written constitutions does so at the peril that those constitutions may be found and declared to be violative of the principles of right which underlie all positive laws.

Other objections have been put forward against the proposed change of laws, but they all fall equally wide of the mark. A glance at three or four of them will show this.

It is said that there is still an abundance of unappropriated land in the West, and that in the East land is cheap a few miles from cities and railroads; that any one who craves land can get it by going to these places; and that, therefore, there is not, now, at any rate, any just ground of complaint against the present system. Now, is not this a clear begging of the question? The argument for the change is, that all the people have an equal right to the land, and that, therefore, if one is permitted to have the exclusive occupancy and use of a particular parcel, he ought to pay to those who are excluded from that parcel a sum of money representing the difference, in respect of desirableness, between that parcel and other land which is still open to them to occupy. How is this argument met by saying that other land is still open to occupation?

Again; it is said to be unfair that a poor man should have to pay as much for the use of the land on which his cottage stands as the wealthy man pays for the land on which he has erected a palatial residence or a stately warehouse, even though the land is equally valuable in the two cases. But why? If the poor man and the wealthy man went to the same hotel, and took equally good rooms, ought not one to pay for what he takes as much as the other, regardless of their means or the use they put the rooms to? The cases are parallel, unless there is a difference between the relation of the two men to the hotel and their relation to the land. This objection assumes that there is a difference without proving it, and, therefore, begs the only question there is.

We are also told that material progress makes the condition of all the people better; George, it is asserted, is mistaken in supposing that progress and poverty go hand in hand. Assume that George is wrong about this; what then? Suppose twelve men engaged as partners in a business which is very profitable; suppose that five of the twelve take many times as much of the profits as by the partnership articles they are entitled to; if the seven call upon the five to account, will it be open to the five to say that they left so much of the profits untouched that the share of each of the seven was more than he could have got in any other business? George contends that the natural rights of men stand for partnership articles, so far as the land is concerned, and that by means of the legal institution of private property in land, some men take more than their just share of the profits according to the articles.

The question is whether he is correct or not in that contention. A solution of this question is not helped by saying that every one makes a profit now and is going to make a larger one hereafter if we continue to progress.

Another objection is that the value of land generally is not more than, nor so much as, the values in labor and capital that have been put upon it since its first settlement. But labor and capital, when applied to land, no more make stable changes therein than when applied to any other *matter*. After a time the form which they give to land and the changes they make in it, under the influence of natural forces, lose their distinctness, and eventually the land relapses to its natural condition unless additional labor and capital are laid out upon it. This is the tendency at all times. Hence it is immaterial how much labor and capital have been expended in the past upon a given parcel of land unless it can be shown that its present market value was caused wholly or partly thereby. Upon so much of present market value as can be shown to be due to this cause there would be no tax under George's plan.

It will serve no useful purpose to comment further upon objections. Enough has been said to make it clear that George's argument has not been understood. That being so, it would be strange if critics did not go astray in their objections.

Has every man, as against all other men, a natural right to land unlimited, save by the equal rights of others? Is it the primary function of government to secure to all its people their natural rights, including the right to land? Can government do this unless it is possessed of an inalienable power to regulate at will the use of land in any manner that may be adapted to that end? Is the legal institution of private property in land inconsistent with such inalienable power, and with such natural right? Will the exaction and application to common uses of economic rent secure the right? These are the questions upon which the justice of the proposed legislation depends. Till they shall have been understood, considered, and argued by those competent to the task, it will never truly be said that George has been refuted. Meantime, with unquestionable sincerity, with remarkable energy and ability, and with the confidence which comes from unanswered reasoning, he is teaching the discontented masses of the people that they have a real grievance.

Samuel B. Clarke.